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### 'Scots and Scabs from North-by-Tweed'

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# **‘Scots and Scabs from North-by-Tweed’: Undesirable Scottish Migrants in Seventeenth- and Early Eighteenth-Century England**

## Introduction

One of the hottest political issues in contemporary western politics concerns immigration as large-scale population movements, often involving people from different cultures, have aroused suspicion, resentment and hostility towards outsiders in host communities. That debate has moved centre stage in Britain in recent years.<sup>1</sup> But while the scale of immigration to the United Kingdom is greater than previously, Britain has a long history of immigration involving a succession of different ethnic communities along with periods of episodic unrest in reaction to those immigrants.<sup>2</sup> This article focuses on one of the less well-documented of these earlier historic migrations, namely the movement of Scots into England in the seventeenth and first half of the eighteenth centuries, examining the negative impact of a subset of undesirable migrants on the reputation of a generally well-received immigrant population. This was a period marked by a new political environment of closer Anglo-Scottish integration that gave Scottish migrants hitherto unimagined access to England, thanks to the union of the crowns in 1603 and the parliamentary union of 1707.<sup>3</sup> This migrant group has attracted little interest from historians even though London alone may have had around

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<sup>1</sup> R. Ford and M.J. Goodwin, *Revolt on the Right: Explaining Support for the Radical Right in Britain* (Abingdon, 2014).

<sup>2</sup> P. Panayi, *An Immigration History of Britain: Multicultural Racism since 1800* (Harlow, 2010).

<sup>3</sup> K.M Brown, *Kingdom or Province? Scotland and the Regal Union, 1603-1715* (Basingstoke and London, 1992); L. Colley, *Britons: Forging the Nation* (New Haven, 2005); C. Kidd, ‘North Britishness and the Nature of Eighteenth-Century British Patriotisms’, *Historical Journal* 39:2 (1996) 361-82.

35,000 Scots in 1700 and 60,000 in 1750, about 6 per cent of the city's population.<sup>4</sup>

Recent research, which has mined printed sources, historical and contemporary, as well as employing targeted surveying of local and national archival collections in England and Scotland, has provided a dataset of some 3,000 biographies of Scots in England between c.1603 and c.1762, analysis of which suggests that the great majority of recorded Scottish migrants were either skilled or economically active – albeit the fact that social and political elites were more likely to generate recoverable documentation means that any quantitative conclusions recovered from the dataset must be regarded as broadly indicative at best.<sup>5</sup> Some were active in politics, the church, the law, the military, commerce, medicine, and the arts - all groups for whom there is more likely to be some record. Below this level were occupational groups with skills and labour that was in demand who faced little hostility from their English hosts.<sup>6</sup>

Yet even in the immediate aftermath of the regal union of 1603, Scottish nobles and courtiers who accompanied James VI and I south proved to be so apt at exploiting the king's new-found wealth and power that they prompted a backlash among envious English natives, and this resentment about over-achieving Scots persisted episodically,

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<sup>4</sup> Estimates derived from J. Wareing, 'Migration to London and Transatlantic Emigration of Indentured Servants, 1683-1775', *Journal of Historical Geography* 7:4 (1981) 356-78, at 373; E.A. Wrigley, 'A Simple Model of London's Importance in Changing English Society and Economy', *Past and Present* 37:1 (1967) 45-63; J. White, *London in the Eighteenth Century: A Great and Monstrous Thing* (London, 2012), 90.

<sup>5</sup> See the Anglo-Scottish Migration project at The University of Manchester, <http://www.angloscottishmigration.humanities.manchester.ac.uk/>. The start and end dates, while arguably somewhat artificial, have been selected because they resonate with the theme of Scottish migration, 1603 being the date of the regal union, and 1762 being the point at which a Scot – John Stuart, 3<sup>rd</sup> earl of Bute – assumed the office of First Lord of the Treasury for the first time. The archival surveys upon which the dataset is based was guided primarily by searching paper and digital catalogues, an approach which means there is likely much more data available in other repositories lacking such finding-aids.

<sup>6</sup> K.M. Brown and A. Kennedy, 'A Land of Opportunity? The Assimilation of Scottish Migrants in England, 1603-c.1762', *Journal of British Studies* 57:3 (2018) 1-27.

re-emerging particularly strongly by the mid-eighteenth century.<sup>7</sup> The narrow jealousy on which this resentment was based was accompanied by broader concerns, expressed by the English antiquary, Sir Henry Spelman, who wrote in his treatise 'Of the union' (c.1607/8) that not only would large numbers of the better sorts of Scots move to an already overcrowded England, but 'there will hang about them greate numbers of their poore and idle people, seeking places of abroad and service amongst us, to the greate hurte of our owne poore and increase of idlenesse.'<sup>8</sup> Here is an early indication of an emerging narrative of the higher-ranked Scots as impoverished and avaricious upstarts on the make, while the lower order Scots were nothing more than beggars.<sup>9</sup> This vision of the Scot as a threat to English economic prosperity took root in a receptive English audience in the first decade of the regal union in spite of persistent evidence of Scottish assimilation and useful employment.<sup>10</sup>

It is easy to dismiss these critiques and asides as xenophobic responses to immigrants, but the existence of prejudice does not mean that the fears, or even the causes of those fears, were groundless. English outrage did not respond only to an imagined beggarly Scot created in the over-heated minds of populist propagandists, but to people who might actually be encountered. While many Scots in England, like Scottish migrants to destinations such as Ireland and North America, were enterprising

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<sup>7</sup> K.M. Brown, 'The Scottish Aristocracy, Anglicization and the Court, 1603-38', *Historical Journal* 36:3 (1993) 543-76, at 557-8; Colley, *Britons*, 123-5. Similar resentment surfaced elsewhere as well, for example in Poland, where Scottish commercial success was much resented, P.P. Bajer, *Scots in the Polish-Lithuanian Commonwealth, 16<sup>th</sup>-18<sup>th</sup> Centuries: The Formation and Disappearance of an Ethnic Group* (Leiden, 2012), 173-6.

<sup>8</sup> B.R. Galloway and B.P. Levack (eds), *The Jacobean Union: Six Tracts of 1604* (Edinburgh, 1985), 178.

<sup>9</sup> For the nuances see S.K. Waurechen, 'Talking Scots: English Perceptions of the Scots during the Regal Union', unpublished PhD thesis (Queen's University, Kingston, 2011).

<sup>10</sup> Brown, 'Aristocracy, Anglicization and the Court'; J. Wormald, 'Gunpowder, Treason and Scots', *Journal of British Studies* 24:2 (1985) 141-68.

and prosperous, their ranks included an unknown number of individuals who existed at the margins of English society.<sup>11</sup> In a world where the ranks of the propertied and the employed were hostile towards the wandering poor, the existence of an alien and identifiable subset of undesirables provided in the minds of nervous elites a potent threat to order.

Within social science, migration has increasingly been understood by differentiating the migrant population. A segmentation model, although most commonly applied to second-generation migrants, reveals a granular understanding of the people and the process they engage in when migrating between countries.<sup>12</sup> In concentrating on three distinct but overlapping categories of ‘marginal’ Scottish migrants – chapmen, vagrants, and criminals, all of whom lived at the edge of an elite conception of society emphasising settlement and respectability – this article explains their migration experiences and the reaction to them of the host society. The numbers of identifiable migrants who fall into these categories amounts to only 11% of the dataset mentioned above, and while the proportion in the migrant population might have been higher because of the bias in the sources towards professional groups, there is no evidence in records or reportage to indicate that the proportion of poor Scots was significantly greater.<sup>13</sup> Yet these groups had a disproportionate impact upon English populist ideas

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<sup>11</sup> N. Canny, ‘Fashioning ‘British’ Worlds in the Seventeenth Century’, *Pennsylvania History* 64 (1997) 26-45; N.C. Landsman, ‘Nation, Migration and the Province of the First British Empire: Scotland and the Americas, 1600-1800’, *American Historical Review* 104:2 (1999) 463-75.

<sup>12</sup> A. Portes and M. Zhou, ‘The New Second Generation: Segmented Assimilation and Its Variants’, *Annals of the American Academy of Political and Social Sciences* 530 (1993) 74-96; M. Zhou, ‘Segmented assimilation: issues, controversies, and recent research on the New second Generation’, *International Migration Review* 31 (1997) 975-1008.

<sup>13</sup> An additional caveat is that marginal migrants of the kind dealt with by this paper were likely more vulnerable to misidentification as being something other than Scottish, such as Irish or northern English. That, again, might mean they were more prominent within the Scottish diaspora than the sources allow us to reconstruct.

about the Scots, a theme that resonates today as policy-makers struggle to distinguish between ‘deserving’ and ‘undeserving’ migrants.<sup>14</sup> Thus while literary sources reference poor Scots in ways that suggest large numbers, historical records only ever document individual or small family clusters.

### Scotch Chapmen

Although wandering salespeople of various kinds were common across medieval Europe, chapmen or peddlers were more characteristic of the early-modern period.<sup>15</sup> Scots were prominent in this group, particularly in central and eastern Europe.<sup>16</sup> However, from 1603 Scottish chapmen had greater opportunities to head for England as an alternative place in which to peddle their wares. While chapmen might be associated with distributing small, inexpensive books, their stock-in-trade was cloth, especially linen, and associated accessories. These peddlers embraced a spectrum of incomes, but most lived at the edges of destitution, and they were often regarded as little better than beggars, being explicitly defined in the Elizabethan Poor Law as vagrants and punishable as such. By the later seventeenth century, they had become such a visible feature of the rural economy that the government responded with legislation to repeated petitions from artisan groups for the suppression of their activity. While wholesale

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<sup>14</sup> R. Sales, ‘The Deserving and the Undeserving? Refugees, Asylum Seekers and Welfare in Britain’, *Critical Social Policy* 22 (2002) 456-78; A. Bloch, ‘Asylum and Welfare: Contemporary Debates’, *Critical Social Policy* 22 (2002) 393-414.

<sup>15</sup> M. Spufford, *The Great Reclothing or Rural England: Petty Chapmen and their Wares in the Seventeenth Century* (London, 1984), 6.

<sup>16</sup> Bajer, *Scots in the Polish-Lithuanian Commonwealth*, 128-32; S. Murdoch, *Network North: Scottish Kin, Commercial and Covert Associations in Northern Europe 1603-1746* (Leiden, 2006), 129-33.

repression never occurred, wandering peddlers remained a much-maligned component of English society.<sup>17</sup>

Chapman activity is difficult to quantify, being largely unregulated despite efforts to license wandering peddlers, while the high degree of mobility meant that they have a low visibility in historical records. Nonetheless, enough information survives to suggest that, while Scottish chapmen turned up in most parts of England, they may have congregated in certain localities. In the mid-1680s it was suggested that there were at least sixty-eight of them in Shropshire, as well as another forty or so in Suffolk and Norfolk – although whether this reflected the particular amenability of these locales to Scottish chapmen or merely the vagaries of data-survival must remain an open question.<sup>18</sup> Without more detailed insight into individual cases, detail that surviving sources cannot reveal, it is impossible to establish whether there was a distinct lifecycle for those chapmen active in England, or to know if their movement was deliberate immigration, or a form of circular migration in which, initially at least, the objective was to return home regularly.<sup>19</sup> Frances Bell, originally from Kirkmichael, travelled as a chapman in England and Scotland but in 1679 chose to register his will at Dumfries (suggesting that the latter remained his primary focus),<sup>20</sup> while Patrick Stewart of Rhu in Argyllshire retired from his itinerant lifestyle in England to settle near Dunblane until his death in the 1750s.<sup>21</sup> In these particular cases, and others like them, there is no further evidence to interrogate. Other chapmen remained in England: at least five men

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<sup>17</sup> Spufford, *Great Reclothing*, 8 and at 13-4.

<sup>18</sup> London, The National Archives [TNA], SP29/436/124 (State Papers Domestic: Charles II).

<sup>19</sup> R. Skeldon, 'Going Round in Circles: Circular Migration, Poverty Alleviation and Marginality', *International Migration* 50:3 (2012) 43-60.

<sup>20</sup> Edinburgh, National Records of Scotland [NRS], CC5/6/6/28 (Dumfries Commissary Court: Register of Testaments, 1624-1827).

<sup>21</sup> NRS, CC5/6/26/259.

registered wills with the prerogative court of Canterbury in this period, with four of them dying in England or Wales.<sup>22</sup> On the other hand, writing in 1684, the community of Scottish chapmen in London claimed that some long-term residents were on their way to becoming naturalized Englishmen with little intention of leaving:

Your Petitioners live peaceably and quietly without any offence, paying Scott and Lott in the Parishes where they live, most of them having wives and families to maintaine.<sup>23</sup>

Even if they did not spend the remainder of their lives in England, chapmen were often more than fleeting migrants. It was common to be based in one town or parish, using this as winter quarters while spending the spring and summer on the road, and these winter homes were often in England. Most of the chapmen found in Shropshire in the mid-1680s, for example, had fixed lodging in Shrewsbury, including in some cases with a man named Wilcox whose house specialized in ‘entertain[ing] Scotchmen.’<sup>24</sup> This pattern of residence meant that, for many Scottish chapmen, their lifestyle, though inherently itinerant, involved lengthy or even lifelong stints as residents south of the border. What these cases indicate is that in spite of the general disdain for Scottish chapmen, some carved out a space in the English marketplace by offering a service for which there was a demand, and it was possible to make a decent living. John Harstones

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<sup>22</sup> TNA, Prob11/366/243, Prob11/408/215, Prob11/545/321 (Prerogative Court of Canterbury: Wills); British Record Society Index Library, *Index of Wills Proved in the Prerogative Court of Canterbury, 1383-1700*, 12 vols (London, 1893-1960), ix, 202, x, 62, 184 and at 186, xi, 180; Spufford, *Great Reclothing*, 26.

<sup>23</sup> TNA, SP29/436/126.

<sup>24</sup> TNA, SP29/434.



of Dumfries, buried at Tynemouth in 1674, was described as a 'rich chapman.'<sup>25</sup> Such cases were rare, however, and the economic marginality of most chapmen was such that many lived close to poverty, often experiencing indebtedness. The only asset mentioned in the will of Dumfriesshire-born chapman John Pagane, registered in 1685, was a debt of £24 owing to another travelling merchant.<sup>26</sup> All Thomas Bell possessed when he died in Monmouthshire in 1692 were his trade goods, stored principally in Hereford, which he earmarked to settle debts exceeding £25.<sup>27</sup> Such indebtedness could be overwhelming, as Andrew Boyd, who was based in Ware, discovered when he went bankrupt in 1719 and had his effects entrusted to Lewis Young, a linen-draper in Cheapside and presumably Boyd's supplier.<sup>28</sup> Other chapmen faced stints in debtors' prison.<sup>29</sup>

While all chapmen were regarded with suspicion, frequently being equated with vagrants, Scots peddlers encountered heightened hostility rooted in economic concerns since it was feared that the largely unregulated nature of peddler trading might undercut native commerce while denying the government customs revenue. Politically-motivated hostility towards chapmen during the 1680s provided an occasion for such concerns to receive expression. Justices of the peace led crackdowns in Middlesex and Suffolk in the mid-1680s, while in 1691 those of Shropshire reiterated the terms of the Elizabethan legislation, in each case explicitly targeting Scottish chapmen in particular, rather than

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<sup>25</sup> R.H. Couchman (ed.), *The Parish Registers of Tynemouth* 2 vols (North and South Shields, 1910), i, 268.

<sup>26</sup> NRS, CC5/6/7/45.

<sup>27</sup> TNA, Prob11/408/222.

<sup>28</sup> *London Gazette*, 3-7 Feb. 1719.

<sup>29</sup> See, for example, the case of Robert Greenlees in Lancaster (1719-20), Preston, Lancashire Archives [LA], QJB/7/45, 47 (Quarter Session Debtors' Papers).

hawkers in general.<sup>30</sup> These crackdowns may have led to a larger proportion of vagrants beings documented in these locations than in others; once again highlighting the problem of representation in the data samples. In London and Westminster in 1684 the anti-Scottish campaign was so stringent as to elicit a petition for relief addressed to James, duke of York.<sup>31</sup> These concerns were given practical expression by local by-laws aiming to suppress peddlers, including in Hexham, Northumberland, where regulations introduced in 1691 and reaffirmed in 1692, 1693, 1700 and 1702 were justified by the observation that peddler trading was causing damage to the ‘freemen and Shopkeepers’ of the town. The fact that the legislation was repeated so frequently indicates that local communities were continuing to trade with peddlers, and these Scottish incomers boasted that they were ‘the Cheife pillars’ of the local economy.<sup>32</sup> Nevertheless, anti-Scottish concerns were encapsulated in a pamphlet of 1695 which contained within its proposals to raise revenue a recommendation that ‘all Scotch Pedlars’ should be forcibly registered if they sought to sell any goods over a set value, by which method it could be ensured that nothing was sold without the proper duty first having been levied upon it.<sup>33</sup> Individual peddlers suffering as a result of such enforcement can occasionally be traced, for example in Ormskirk, Lancashire, where John Tompson described himself as a chapman when he was apprehended in April 1702 and served with a removal order back to his native Dumfries.<sup>34</sup> This anti-chapman sentiment was rooted in wider prejudices about their lifestyles such as when in 1704 John Galloway was declared to be the absentee father of an illegitimate daughter in Woodplumton, Lancashire, and the

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<sup>30</sup> TNA, SP29/436/123, SP29/436/124; R.L. Kenyon *et al*, eds., *Abstract of the Orders made by the Courts of Quarter Sessions for Shropshire*, 4 vols (Shrewsbury, 1901-1917), i, 133.

<sup>31</sup> TNA, SP29/436/126.

<sup>32</sup> Quoted in Spufford, *Great Reclothing*, 12-3.

<sup>33</sup> Anonymous, *Proposals by W.G.* (1695), 2.

<sup>34</sup> LA, QSP/876/6 (Quarter Session Petitions).

same judgment was passed against two other chapmen in the same county, William Carson in 1718 and James Dixon in 1722, whose children were born in Warrington and Astley respectively.<sup>35</sup>

Yet the greatest upsurge in hostility to Scottish chapmen arose in a political context, being linked to the hysteria surrounding the discovery of the Rye House Plot in 1683.<sup>36</sup> News of the conspiracy to kill Charles II and the duke of York sparked a witch-hunt against those involved (as well as dissenting elements more generally), and the suspicion took hold, in light of ongoing Covenanter activity, that Scottish chapmen, especially those in Yorkshire, were implicated.<sup>37</sup> Elsewhere, it was reported that there were 1,200 rebel Scots scattered throughout England, all veterans of the 1679 Covenanter rebellion. Of these, about 900 were said to have ‘Packs on their backs’, a disguise they utilized to earn a living while they waited for a projected rising, and in order to ‘giv and cary intelligence.’<sup>38</sup> Consequently, the activities of several chapmen were closely interrogated, and at Leeds the justices of the peace issued warrants for the arrest of ‘such Scotch wanderers as we thought were dangerous.’ Most of these people turned out to be harmless, but one, named John Smith, refused to take the oath of allegiance to Charles II.<sup>39</sup> Activity was especially intense in the West Midlands and around the Welsh marches, where one witness, John Barrobie, claimed that five Scots peddlers in Salisbury were seen bargaining for sixty bridles and saddles, only to abandon the deal once the Rye House plot was uncovered.<sup>40</sup> No hard evidence emerged

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<sup>35</sup> LA, QSP/901/13, QSP/1135/13, QSP/1187/6.

<sup>36</sup> M.S. Zook, *Radical Whigs and Conspiratorial Politics in Late Stuart England* (Pennsylvania, 1999), 103-13.

<sup>37</sup> M.A.E. Green *et al* (eds.), *Calendar of State Papers, Domestic Series, of the Reign of Charles II, 1660-1685*, 28 vols (London, 1860-1947) [CSPD], xxiv, 96-7.

<sup>38</sup> TNA, SP29/429, pt.3/99.

<sup>39</sup> TNA, SP29/429, pt2/15.

<sup>40</sup> TNA, SP29/434.

to implicate Scottish peddlers in radical plotting, but the spasm of official anxiety in 1683 confirmed the degree to which this migrant group attracted hostility, leaving an enduring legacy of suspicion.

Unsurprisingly perhaps, Scottish chapmen were vulnerable to harassment. Samuel McGee travelled to the Isle of Man in 1690 to sell £30 worth of cloth and other goods but was apprehended unjustifiably by the local customs officer who was running an extortion racket and who McGee was obliged to bribe.<sup>41</sup> Stories of Scottish chapmen being robbed, chiefly around London, were reported in the booming eighteenth-century newspaper industry. One unnamed hawker was deprived of a box of lace reportedly worth £200 on the road from Brentford to Uxbridge in 1732.<sup>42</sup> There was also a risk of violence. Andrew Roding was killed in Hereford in 1733 by being ‘inhumanly cut in Pieces, and buried in a Garden’, the alleged perpetrators including his landlord and landlady.<sup>43</sup> Perhaps the most sensational case, reported in the 1730s, involved a family of Welsh criminals who habitually preyed on Scottish chapmen:

A Scotch Pedlar having been lately murdered and robbed near Ludlow Castle in Shropshire, a Welch-Woman [...] was in Sunday se’nnight committed to the House of Correction at Worcester [...] one Hugh Jones, the Husband of the said Welchwoman, and two of his Sons, were committed to Pool Gaol [...] for the Murder of one John Ree, a Scotchman, which was confes’d, as also that they had murdered one John Berkley, another Scotchman about half a Year since.<sup>44</sup>

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<sup>41</sup> LA, DDKE/Box84/items 41, 56, 60 and 63 (Kenyon Family of Peel Hall).

<sup>42</sup> *Daily Courant*, 30 Dec. 1732.

<sup>43</sup> *Read’s Weekly Journal*, 11 Aug. 1733.

<sup>44</sup> *Country Journal*, 12 Apr. 1735.

This vulnerability of chapmen to violence underlined the marginal nature of their occupation as foreign migrants engaged in an activity that was perceived at times as economically threatening and associated with unsavoury political dissent.

The distinct category of the ‘Scotch’ chapman became a well-established trope in English popular imagination. One anonymous pamphlet, published in 1738 and attributed to a ‘true-born Englishman’, offered pithy summaries of the contributions made by immigrants of various nationalities, asserting that France and Italy supplied cooks and valets, Wales provided coachmen, footmen and other members of the service professions, as did Germans, Ireland offered little except criminals, while the Scots ‘furnish[ed] their annual Quota’s [*sic*]’ of ‘Quacks, Beggars, and Pedlars.’<sup>45</sup> The negative tone used to describe Scottish wandering salesmen reflected a wider disdain held by the English for aspects of the Scottish national character, as illustrated in an earlier anonymous poem published in 1700. *Caledonia, Or, The Pedlar Turn’d Merchant* was a vicious satire on the Scottish attempt to establish a trading colony on the Isthmus of Panama, lampooning the ubiquity of the Scottish chapman and implying that such grubbing activity represented the limits of Scottish enterprising potential:

When (as ill Luck would have it) it came in her Head,  
To fling by her Packs and her Linnen,  
And since Times had always in Scotland been Dead,  
To chuse a new Method to sin in.

Her Neighbours she saw, and curs’d them and their gains,

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<sup>45</sup> Anonymous, *A Ramble through London* (London, 1738), 1-2.

Hand Gold as the ventur'd in search on't,  
And why should not she who had Guts in her brains,  
From a Pedlar turn likewise and Merchant?<sup>46</sup>

Lacking any particular specialism, such stereotyping was not helped by the tendency of Scots to restrict themselves to the most common of chapman goods, namely cloth and associated small haberdashery.<sup>47</sup> In spite of the overwhelming evidence of successful and economically productive migrants from Scotland,<sup>48</sup> the Scottish chapman became a stock stereotype in the minds of the respectable English, encapsulating assumptions about the unsophisticated, uncouth nature of Scottish immigrants, as well as their malign influence on England.

### Vagrants

In the eyes of some English contemporaries, the Scottish chapman was a subset of a wider community of wandering Scottish poor, but while there is evidence that impoverished Scots found their way into early-modern England, the nature of the sources is such that the numbers are unknowable. It is not unreasonable to conceptualise their presence using the hypothesis, in line with classic 'laws of migration', that many of these people went south as a deliberate strategy to alleviate their poverty.<sup>49</sup> Thus John Grame, apprehended at Little Strickland in Westmorland in 1756, probably ended up there while searching to replace his recently-terminated employment as a servant in

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<sup>46</sup> Anonymous, *Caledonia, Or, The Pedlar Turn'd Merchant* (London, 1700), 2.

<sup>47</sup> Spufford, *Great Reclothing*, 90-105.

<sup>48</sup> Brown and Kennedy, 'A Land of Opportunity?'

<sup>49</sup> D.B. Grigg, 'E.G. Ravenstein and the 'Laws of Migration'', *Journal of Historical Geography* 3:1 (1977) 41-54.

Midlothian.<sup>50</sup> Such movement might be assumed to have been more noticeable in time of acute domestic hardship – the push factors often associated with migration – particularly during the severe famine of the 1690s. Certainly this was the view of one contemporary observer, who claimed in 1698 that many Scots came to northern England during these years.<sup>51</sup> The magistrates of Berwick-upon-Tweed felt the pressure of this migration, complaining about ‘the Multitude of Beggars that dayly come from Scotland to the Great Detriment of the poore [and] Impoverishing of the Inhabitants of this place.’ In 1699, they ordered the town beadles to guard the northern Scotsgate and ‘Turn back all Such Beggars as doe not Inhabite within the Corporac[i]on.’<sup>52</sup> Such cases were rooted in ‘push’ rather than ‘pull’ factors, England simply offering the most immediate and convenient escape from challenging personal circumstances at home. Yet notwithstanding the above, there is little empirical evidence, either in Scottish or English sources, to suggest a significantly increased rate of Scottish immigration during the famine years. English vigilance, like that displayed by Berwick, coupled with the harshness of the English poor relief system – or, at least, fear of its severity – was an effective deterrent, as, perhaps, was the fact that the 1690s was a period of significant economic hardship within England itself.<sup>53</sup> Consequently, poor Scots were on the whole more likely to migrate to urban centres in their own country than to England.<sup>54</sup>

Nevertheless, poor, vagrant Scots were present in England where they joined native vagrants in arousing hostility among communities concerned by the threat to

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<sup>50</sup> Kendal, Kendal Archive Centre [KAC], WQ/SR/256/33.

<sup>51</sup> *CSPD*, ix, 409.

<sup>52</sup> Berwick, Berwick Records Office, BBA/C8/1 (Quarter Session Minutes, 1694-1726).

<sup>53</sup> K. Cullen, *Famine in Scotland: The ‘Ill Years’ of the 1690s* (Edinburgh, 2010), 172-3; D. Hitchcock, *Vagrancy in English Culture and Society, 1650-1750* (London, 2016), 96-7.

<sup>54</sup> J. McCallum, ‘Charity Doesn’t Begin at Home: Ecclesiastical Poor Relief Beyond the Parish, 1560-1650,’ *Journal of Scottish Historical Studies* 32:2 (2012) 102-26, at 117-20.

scarce resources and the inherent marginality of the vagrant way of life which represented a challenge to the organisational paradigms of early-modern society. Moreover, since vagrants were defined in legislation as able-bodied, the suspicion persisted that their unemployment and poverty could be ascribed to personal failings, usually idleness or wickedness.<sup>55</sup> In England, the statutory definition of vagrancy dated from the 1570s and incorporated almost any itinerant poor person, provided they had not been accused of any other crime. The growth of vagrancy saw a harshening of its treatment, the characteristic punishment set down in 1598 being whipping, followed by forced return to their home parish. By the 1630s, an average of more than 3,000 vagrants were being punished every year, although this number likely declined after the Civil Wars thanks to gradually reducing population pressure and growing demand for labour.<sup>56</sup>

Scots did not form a significant component of this vagrant population. In one study, working with a sample of more than 3,000 vagrants in England in the early seventeenth century, only fifteen Scots were identified, less than 0.5% of the total.<sup>57</sup> Similarly, against the many thousands of vagrants who must have been active between 1603 and 1762, the aforementioned dataset of Scottish migrants contains only 183 vagrants from a total of nearly 3,000 individuals.<sup>58</sup> Of course, identifying Scots from the

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<sup>55</sup> M.J. Braddick, *State Formation in Early Modern England c.1550-1700* (Cambridge, 2000), 151; T.B. Hug, *Impostures in Early Modern England: Representations and Perceptions of Fraudulent Identities* (Manchester, 2009), 17-22.

<sup>56</sup> P. Slack, *Poverty and Policy in Tudor and Stuart England* (London, 1988), 93.

<sup>57</sup> P.A. Slack, 'Vagrants and Vagrancy in England 1598-1664' in P. Clark and D. Souden (eds), *Migration and Society in Early Modern England* (London, 1987), 49-76, at 70.

<sup>58</sup> See footnote 5. The sample was derived largely from examination of poor relief records, principally settlement examinations and vagrant passes, although supplemented where possible with additional records. It does not represent a comprehensive census of Scottish vagrants in early modern England, but is drawn from a wide enough range of locales (including Bedfordshire, Cornwall, Cumberland, Gloucestershire, Durham, Lancashire, London, Norfolk,



sources is not straightforward; the sample contains only those vagrants positively identified as Scottish, for example by place of birth or settlement. Understandably, Scottish vagrants travelled greater distances than their English counterparts for whom the average distance moved was about 45 miles from their place of origin, with only about one-fifth moving more than 100 miles.<sup>59</sup> Some Scots migrated considerably further. Alexander Gordon, apprehended in Norwich in 1757, was originally from Cromarty, 408 miles distant as the crow flies.<sup>60</sup> Hester Solden was 414 miles from her point of origin at Inverness when she received a vagrant's pass at Eaton Bray in Bedfordshire in 1728,<sup>61</sup> while the journey of Laurence Green was still more epic, being 630 miles from his home in Shetland when he was apprehended in Wiltshire in 1704.<sup>62</sup> On those few occasions when an individual vagrant's migration history can be reconstructed, even more extensive travelling can emerge. William Matthewson from Inverness was apprehended at Carlisle in 1741, 186 miles from his home, but his wanderings around England in search of employment over a six-year period, taking him from Scotland to Cambridgeshire to London to Sunderland to Cumbria, amounted to a combined journey of more than 840 miles.<sup>63</sup> While their numbers may have been small, Scottish vagrants were geographically widespread: over the period under review, the largest concentration uncovered was in Yorkshire (fifty-seven), but there were also small groupings in London (thirty-one), County Durham (twenty-two), Norfolk

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North Yorkshire, Northumberland, Surrey, West Yorkshire, Westmorland and Wiltshire) to be robustly representative.

<sup>59</sup> Slack, *Poverty and Policy*, 95.

<sup>60</sup> Norwich, Norfolk Record Office [NRO], NCR Case 15c/1/185 (Removal Orders, 1740-54).

<sup>61</sup> Bedford, Bedfordshire and Luton Archives, QSR/2/1728/38 (Quarter Session Rolls).

<sup>62</sup> London, London Metropolitan Archives [LMA], WJ/SP/1745/07/21 (Westminster Session Papers); Chippenham, Wiltshire and Swindon History Centre [WSHC], A1/706 (Wiltshire Quarter Sessions: Vagrants' Passes).

<sup>63</sup> Carlisle, Cumbria Archive Service, Q/11/1/202/1 (Quarter Session Petitions).

(fifteen), Northumberland (thirteen), Lancashire (thirteen), Westmorland (eight) and Wiltshire (eight), with smaller numbers scattered elsewhere. However, it is uncertain whether this spread reflects the geographical distribution of Scottish vagrants, or merely the enthusiasm of magistrates to prosecute and the vicissitudes of document survival. Similarly, much known Scottish vagrant activity was concentrated in the eighteenth century, particularly in the decades after 1730; only fourteen of the vagrants located are first mentioned before 1700, while the remainder, more than 90% of the total, appear after this date. Again, it cannot be known how far this is merely testimony to the much greater likelihood of eighteenth-century material surviving.

The typical English vagrant conformed to a particular profile; they were usually young, male and single.<sup>64</sup> Some Scottish vagrants fitted this stereotype. Alexander Anderson from Falkland was 22 years of age when he was apprehended in Stonegrave in the North Riding of Yorkshire in 1740, claiming to have commenced his wandering lifestyle seven years earlier. Yet the young were in the minority, with men of all ages being apprehended, including William Purvis from Duns who was around 70 when he was found begging in St Martin in the Field in 1757.<sup>65</sup> The typical Scottish vagrant in England was more likely to be female than their native-born counterparts, even if the Scottish sample's gender ratio – 45% female against 55% male – still favoured men. A few younger women were caught in the vagrant way of life, including twenty-two-year-old Elizabeth Briben, originally from Aberdeen but apprehended begging in Thirsk in 1748.<sup>66</sup> Yet, as with male vagrants, older women seem to have been more numerous, indicating a probable change in circumstances while in England, rather than initial

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<sup>64</sup> Slack, 'Vagrants and Vagrancy', at 55-6.

<sup>65</sup> LMA, WJ/SP/01/007/111-2.

<sup>66</sup> NRO, Case 15c/1/182; Northallerton, North Yorkshire County Record Office [NYCRO], QDV (Vagrants' Passes).

migration being caused by economic push factors.<sup>67</sup> In most cases vagrancy appears to have been episodic, often in response to those changed circumstances, but Cathrin Howd, who had been wandering around England for upwards of twenty years by the time she was committed to the house of correction at Appleby in Westmorland in 1752, was allegedly more than sixty years of age.<sup>68</sup>

Scots from a variety of occupational backgrounds ended up being prosecuted as vagrants after failing to find employment in England. Charles MacDonald from Leith followed his father, a soldier, to Ireland and then on to England in search of work, working as a coal miner, sailor and labourer but was destitute at the time of his apprehension in 1749.<sup>69</sup> Indeed, one particularly significant group, particularly during the late-seventeenth and eighteenth centuries when Britain was involved more heavily in continental warfare, was demobbed soldiers or sailors, among whom the Scots figured disproportionately, and for whom there was no assistance in transitioning back into civilian life.<sup>70</sup> Upon being examined for vagrancy in Norwich in 1756 John Mackintosh explained that he had been discharged in September 1755, since when he had been ‘obliged to beg for relief’ on account of ‘not being able to work.’<sup>71</sup> For many Scottish soldiers and sailors a complicating factor was the need to complete a long journey home. This was the aim of John Walker, an ex-sailor who had been discharged

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<sup>67</sup> There were limited support networks available to Scottish migrants in England, with most of these, such as the Royal Scots Corporation, being concentrated in London. This contrasted with the more robust support mechanisms available to the émigré community on the continent. J. Taylor, *A Cup of Kindness: The History of the Royal Scottish Corporation, a London Charity, 1603-2003* (East Linton, 2003); A. Gorsjean and S. Murdoch (eds.), *Scottish Communities Abroad in the Early Modern Period* (Leiden, 2005).

<sup>68</sup> KAC, WQ/SR/230/16, 18 (Westmorland Quarter Session Rolls).

<sup>69</sup> NYCRO, QDV.

<sup>70</sup> J. Innes, ‘The Domestic Face of the Military-Fiscal State: Government and Society in Eighteenth-Century Britain’ in L Stone (ed.), *An Imperial State at War: Britain from 1689 to 1815* (London, 1994), 96-127, at 108-9.

<sup>71</sup> NRO, NCR Case 15c/1/111.

at Colchester and was attempting to return to Dunbar when he fell sick in the North Riding in 1753.<sup>72</sup> Ex-military vagrancy tended to spike during and particularly immediately following major European conflicts.<sup>73</sup> Edinburgh-born Peter Thompson, apprehended in Bedfordshire in 1714, and Brechin's David Cadger, caught at Malton in 1716, were probably veterans of the War of the Spanish Succession (1702-1713).<sup>74</sup> Later wars had a similar effect. James Elliot, John Forbes and George Johnston, apprehended in the North Riding in 1742, were veterans who possibly campaigned in the War of the Austrian Succession (1740-1748).<sup>75</sup>

For women, the most common route into a vagrant way of life was widowhood or abandonment. Elizabeth Mackcarter ended up as a vagrant in Middlesex in 1740 after her husband, with whom she had migrated from Edinburgh, was killed in the course of his duty as a soldier.<sup>76</sup> Other women were deliberately abandoned, as happened to Anne Langley, whose husband left her in Portsmouth in 1741, forcing her to wander as a beggar until being apprehended in Marlborough, Wiltshire.<sup>77</sup> The loss of a male breadwinner also affected children. Before 1720, John Gray moved with his family from Edinburgh to Newcastle where his father found work, probably in the coal industry, which employed many Scots. Gray senior died less than two years later, leaving John to wander around England with his mother while she sold 'gartering and other things.' From the age of seventeen, John attempted to earn his own living as an itinerant piper, but in 1740 he was apprehended as a beggar in the North Riding.<sup>78</sup>

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<sup>72</sup> NYCRO, QDV.

<sup>73</sup> A.L. Beier, *Masterless Men: The Vagrancy Problem in England, 1560-1640* (London, 1985), 93-5.

<sup>74</sup> NYCRO, QSR/2/1714/13, LA, QSB/1716/98 (Quarter Session Bundles).

<sup>75</sup> NYCRO, QDV.

<sup>76</sup> LMA, MJ/SP/V/01/005/13-14 (Middlesex Session Papers).

<sup>77</sup> WSHC, G22/1/128 (Marlborough Borough Council: Vagrants' Passes and Removal Orders).

<sup>78</sup> NYCRO, QDV.

These various experiences were fundamentally little different from those of other vagrants in England. Although the increasing bureaucratisation of poor relief mechanisms might be assumed to have placed immigrant vagrants in a particularly difficult position because they lacked access to crucial settlement documentation, there is little evidence to suggest that Scots faced more intense prosecution than any other individuals lacking valid settlement documentation.<sup>79</sup> Nor did Scottish vagrants form a distinct category within English discourse. What the above examples demonstrate is that vagrant Scots existed in early-modern England and, since they were engaged in an activity regarded as transgressive, were probably rather more likely than other Scots to attract official attentions. As is seen below, the presence of such individuals provided the raw material that allowed English satirists to build on a set of established prejudices and cast the Scottish migrant community as a whole in penurious terms. When one anonymous pamphleteer, writing in 1705, complained about the ‘beggarly Scots, whose every Meal is a Stratagem, here in England’, he was recycling well-worn Scotophobic stereotypes and responding to a genuine sub-set of the émigré community.<sup>80</sup>

### Criminals

Early-modern suspicion of the wandering poor was rooted partly in unease about individuals flouting accepted conventions related to social hierarchy and fixed residence.<sup>81</sup> Yet alongside this sense of ‘normative’ threat, there emerged specific anxieties since, as in the contemporary world, poor immigrants were recognised as

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<sup>79</sup> On the bureaucratisation of poor relief beyond England, and in particular the notion of settlement, see A. Winter, ‘Migration, Poor Relief and Local Autonomy: Settlement Policies in England the Southern Low Countries in the Eighteenth Century’, *Past & Present* 218:1 (2013) 91-126.

<sup>80</sup> ‘E.B.’, *A Description of Scotland, and its Inhabitants* (London, 1705), 5.

<sup>81</sup> Braddick, *State Formation*, 151.

being more likely to resort to crime in order to survive.<sup>82</sup> Indeed, there is evidence that in certain cultures, negative attitudes towards immigrants lead to an exaggerated fear of crime among people who have no direct experience of, or even proximity to, criminal actions, raising the spectre of imagined, alien criminals above that of actual native criminals.<sup>83</sup>

Yet some Scottish immigrants did turn to crime, often engaging in actions typically related to poverty. For example, suspicions that the process of soliciting alms might be pursued dishonestly were not groundless.<sup>84</sup> In 1632, James Anderson of Leith was whipped out of Hull as a vagrant, having admitted that he travelled there using 'a counterfitt passe.'<sup>85</sup> Similar treatment was meted out one hundred and twenty years later to one unnamed Scotswoman proved guilty of a different kind of dishonesty in 1752 when she was apprehended as a vagrant at Chelmsford. She had been begging while pretending to be dumb, but upon her incarceration was reportedly found with the suspiciously large sum of more than £100 of ready cash.<sup>86</sup> Similarly, some poor women turned to criminality. Margaret Hamilton was reported as a 'stranger' in Berwick-upon-Tweed in 1698 where she 'doth not Appear by day but by night'; presumably a euphemism for prostitution. She survived on the margins of society and was found guilty of petty theft in 1723, a quarter of a century later.<sup>87</sup> Even migrants who lived blamelessly in England for a long time might fall foul of the law on account of an adverse change in circumstances. Mary Forest, a Scotswoman who had lived in London

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<sup>82</sup> J.A. Sharpe, *Crime in Early Modern England, 1550-1750* (London, 1984), 11.

<sup>83</sup> A.M. Ceobanu, 'Usual Suspects? Public Views about Immigrants' Impact on Crime in European Countries', *International Journal of Comparative Sociology* 52:1-2, (2011) 114-31.

<sup>84</sup> Hug, *Impostures in Early Modern England*, 20-1.

<sup>85</sup> Hull, Hull History Centre, U DX/5/8, 81 (Bench Book V, 1609-1650).

<sup>86</sup> *Old England*, 23 May 1752.

<sup>87</sup> BRO, BBA/C8/1, 9 May 1698 and 20 May 1723.

for around twenty years spinning flax having ‘thereby got an honest Livelihood’, was convicted in 1710 of infanticide. Forest maintained that her child had been still-born, but the court was of the opinion that, having hidden the pregnancy, Forest had murdered her child to cover up ‘the odious Sin of Whoredom.’<sup>88</sup>

In post-war periods especially, issues of migration and crime were brought to the fore as society struggled to absorb a sudden influx of unoccupied young men. Attempts to find work for demobbed soldiers might be resisted, as in 1697, when the inhabitants of Chesham in Buckingham objected to the relaxation of Elizabethan regulations insisting upon apprenticeship to trades, on the grounds that it was encouraging ‘divers Scotch soldiers lately disbanded’ to ‘come into their said parish with their families to settle’.<sup>89</sup> Yet absent of such policies, footloose former soldiers could easily drift into crime. John Laing, a Scottish veteran who probably served in the Nine Years’ War (1688-97), was convicted of highway robbery and sentenced to death in 1700.<sup>90</sup> John Smith was indicted for the theft of two linen shirts from a hedge in Carlton in the North Riding of Yorkshire about four months after being discharged from the army at the end of the War of the Austrian Succession in 1748.<sup>91</sup>

The examples discussed so far relate largely to small-scale or subsistence criminality. But early-modern concern about crime was whipped up by a colourful ‘rogues’ literature’, associated in particular with the ideas popularised by Thomas Harman in his 1566 work *A Caveat or Warning for Common Cursitors*, which described

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<sup>88</sup> T. Hitchcock *et al* (eds.), *The Old Bailey Proceedings Online, 1674-1913* (www.oldbaileyonline.org, version 7.0, 24 Mar. 2012), accessed 14 Dec. 2016 [OBP], Ordinary’s Account, 15 Sep. 1710 (OA17100915).

<sup>89</sup> W. le Hardy and G. Reckitt (eds), *Calendar to the Sessions Records, Volume II, 1694-1705* (Aylesbury, 1936), xiii-xiv and at 247.

<sup>90</sup> OBP, trial of John Lang, Aug. 1700 (t17000828-48).

<sup>91</sup> NYCRO, QSB/1749 (Quarter Session Bundles).

a sophisticated vagrant hierarchy controlling a vast criminal underground.<sup>92</sup> While these fantastical stories were largely fictional, some Scottish vagrants were quasi-professional criminals. Nicholas Campbell, who was executed in 1760 for forging a promissory note worth £1,350, was a one-time Chelsea pensioner who for upwards of seventeen years owned a profitable chandler shop near the hospital (allegedly due, in part, to usury), funding a portfolio of properties and estates in London, much of it near his home on Wilderness Row in Clerkenwell.<sup>93</sup> In fact, Scots were considerably more likely than average to be accused of crimes of deception like fraud and forgery, which accounted for 18% of Scottish indictments before the Old Bailey but just 2% of all indictments.<sup>94</sup> Poverty does not appear to have been an issue in these instances, or in the more sensational case of Robert Rothead. Executed at Tyburn in 1744, Rothead was born to a respectable Edinburgh family, serving as an apprentice on various English merchant ships before running off to London where he lived riotously for a short period. He found his way to the New World and embarked upon a career as a privateer before returning to London and becoming Master's Mate on the ship *Cambridge*, in which position he derived a lucrative money-making scam whereby he allowed impressed men to go free upon payment of a gratuity.<sup>95</sup> Another career criminal was James Brown, alias Thompson, born in Scotland 'of Parents that lived in some Repute', but he abandoned his apprenticeship at the age of eighteen and took up a life of crime in Scotland and Ireland before:

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<sup>92</sup> Beier, *Masterless Men*, 7-8 and at 123-6.

<sup>93</sup> *OBP*, Ordinary's Account, 8 Dec. 1760 (OA17601208).

<sup>94</sup> This is calculated from *OBP*.

<sup>95</sup> *OBP*, Ordinary's Account, 8 Jun. 1744 (OA17440608).



Having already sold the two Kingdoms of Scotland and Ireland, he came to England, where he behaved no better than he had done before; but grew worse, and went on till he arrived at the highest Pitch of Wickedness and Villainy, Drury-Lane, and about Covent-Garden.

In May 1749, Brown was found guilty of stealing and sentenced to seven years' transportation to Virginia, but escaped and made his way back to England where he was arrested and in June 1752 was sentenced to death for defying the terms of his transportation.<sup>96</sup>

As far as what might be described as organized crime is concerned, cross-border raiding early in the seventeenth century is well known, but similar, if much smaller-scale, rustling continued long thereafter.<sup>97</sup> William Elliot from Muckledale and Robert Johnston from Eskdale were pursued by the justices of the peace for Northumberland in 1718 after stealing horses with the express purpose of driving them back across the border to sell. Twenty-two years later, Robert Graham, a tartan-wearing twenty-two year old from Perthshire who was apprehended after stealing a mare in Stamfordham, was probably attempting the same thing.<sup>98</sup> A number of Scottish highwaymen can be identified. George Crawford was executed at Tyburn for this crime in 1690. Crawford, who expressed profound regret for his actions, had been employed as a soldier, allegedly since the age of twelve or thirteen, but had recently been discharged and turned to highway robbery.<sup>99</sup> Another, later Scots robber, known only as Goodall and

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<sup>96</sup> *OBP*, Ordinary's Account, 1 Jun. 1752 (OA17520601)

<sup>97</sup> A. Groundwater, *The Scottish Middle March 1573-1625: Power, Kinship, Allegiance* (Woodbridge, 2010), 204.

<sup>98</sup> Ashington, Northumberland Archives [NA], QSB/49, QSB/83 (Quarter Session Bundles).

<sup>99</sup> *OBP*, Ordinary's Account, 9 May 1690 (OA16900509).

operating in Huntingdonshire, was apprehended in possession of a blunderbuss and a brace of pistols in 1760. He was found to have habitually worked in a three-person gang involving an Irishman and a Londoner, an unusual case of multi-kingdom cooperation.<sup>100</sup>

The presence of migrant criminals gave rise to contemporary comment about the justice of the criminal system treating migrants differently from the native population.<sup>101</sup> Early-modern evidence suggests that migrant criminals faced harsher justice because leaving home was regarded as inherently suspicious, causing English courts to become systematically biased against non-natives.<sup>102</sup> One anonymous correspondent of the London *Daily Post* complained in May 1737 about the treatment of non-English criminals in the published reports of Newgate prison:

When they can send a Welchman or Scotchman to Newgate they never fail to publish his Country, tho' it has nothing to do either with his Crime or his Punishment; but when an Irishman falls into their Clutches, they commonly make him a Subject of three or four days Dissertations [...] what signifies it then either to Britain or Ireland, when a Man dies at Tyburn, whether he was English or Irish, Scoth [*sic*] or Welch?<sup>103</sup>

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<sup>100</sup> *London Chronicle*, 22 Mar. 1760.

<sup>101</sup> B. Bowling, 'The Borders of Punishment: Towards a Criminology of Mobility', in K.F. Aas and M. Bosworth (eds), *Migration and Punishment: Citizenship, Crime Control, and Social Exclusion* (Oxford, 2013), 1-15.

<sup>102</sup> C. Herrup, 'Law and Morality in Seventeenth Century England', *Past and Present* 106:1 (1985) 102-23, at 117-8.

<sup>103</sup> *Daily Post*, 28 May 1737.

In assessing how far Scottish criminals' nationality influenced their judicial treatment, London offers an interesting insight, not least because most men hanged at Tyburn were not indigenous Londoners.<sup>104</sup> The rapidly expanding city was a magnet for large numbers of migrants from throughout Britain who arrived to find extremes of wealth and poverty existing in a context where traditional methods of punishment based upon shame and reputation had eroded, and wealthy citizens were concerned to crack down on crime with an ever tougher penal code.<sup>105</sup> While London housed a unique society in early-modern England, it offers better opportunities for assessing the extent and nature of migrant criminality than any other jurisdiction as it has the most complete criminal records.<sup>106</sup> It is possible to trace the experience of Scottish criminals through the extensive surviving records of the Old Bailey, the central criminal court for Westminster and the City of London. The Old Bailey materials are problematic, since they consist largely of reports and summaries consciously written for publication, and are therefore prone to sensationalism. Nonetheless, used carefully they can offer some insights into the treatment of non-native criminals, including Scots.

Between 1674 and 1760, forty-one individuals positively identifiable as Scots were tried at the Old Bailey, a tiny number representing less than 1% of the total cases in this period.<sup>107</sup> Of these defendants, thirty-two were found guilty, representing a conviction rate of 78%, markedly higher than the Old Bailey average of 62%. Conversely, the rate of full acquittal for Scottish defendants was about 7%, distinctly

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<sup>104</sup> D. Hay, 'Property, Authority and the Criminal Law', in D. Hay *et al* (eds), *Albion's Fatal Tree: Crime and Society in C18th England* (Middlesex, 1975), 17-63, at 55.

<sup>105</sup> J.M. Beattie, *Crime and the Courts in England, 1660-1800* (Princeton, 1986), 14, 29 and at 624.

<sup>106</sup> J.H. Langbein, 'Criminal Trial before the Lawyers', *University of Chicago Law Review* 45:2 (1978) 263-316, at 271.

<sup>107</sup> This data has been compiled from *OBP*.

lower than an Old Bailey average of c.38%, which broadly reflected the proportion of cases ending in not guilty verdicts across the English judicial system.<sup>108</sup> While the size of the Scottish sample is low, the disparity in these figures is significant, and data about punishments reinforces a picture of Scots being treated more harshly: 86% of those Scots convicted were sentenced to death, against an Old Bailey average of 20% and a wider English average of closer to 10%.<sup>109</sup> Thus, a Scot cited before the Old Bailey was disproportionately likely to be found guilty and had a good chance of being executed. Part of the explanation for this pattern lies in the crimes of which Scottish defendants stood accused. They were less likely than the average to be accused of theft (28% of indictments, against an average of 80%), but more likely to be charged with violent theft (15% of Scots; 6% of all defendants). Accusations of homicide were more common amongst Scottish defendants than the average (15% and 5% respectively). Scottish defendants, therefore, more frequently faced execution because they were accused of committing crimes that commonly attracted sentences of death. It is conceivable that some migrants were indicted on felony charges for offences which, if committed by native-born individuals, would have been tried as misdemeanours, but evidence for this proposition is lacking. Equally, it may be that defendants were only positively identified as Scots when they were accused of serious crimes, meaning that there are disproportionately more 'hidden' Scots among those tried for less serious offences. Again, however, testing this hypothesis is impossible.

There are other indications that Scottish defendants at the Old Bailey faced a more difficult ordeal than their native counterparts. They faced a greater obstacle in

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<sup>108</sup> Sharpe, *Crime in Early Modern England*, 65. The balance of the Scottish average was made up of individuals convicted, but of a lesser offence from the one initially levelled against them – this happened in about 15% of Scottish cases.

<sup>109</sup> Sharpe, *Crime in Early Modern England*, 68.

presenting character witnesses, a common defensive manoeuvre in early-modern trials.<sup>110</sup> David Dickson, a Scot residing in St Martin in the Field, was tried in 1730 for stealing eighteen and a half guineas in cash. Having offered a ‘florid Harangue’ attesting his innocence, he presented witnesses to attest to his character, but the court rejected their evidence because ‘their Acquaintance with him was but of short Continuance’ and proceeded to convict him.<sup>111</sup> In some cases, support from fellow Scots led only to a lesser conviction, rather than a full acquittal. On 10 December 1712, John Hamilton stood trial for murdering Charles Lord Mohun, a crime to which he pleaded not guilty. Hamilton ‘had several Noblemen of Scotland, and other Persons of Quality, who all gave him the Character of a very Honest, Gallant, Inoffensive Man’, leading to a conviction for manslaughter and punishment by branding rather than execution.<sup>112</sup> But for some Scots who presented acceptable character witnesses, the words of their fellow countrymen proved enough to lead to acquittal. When Arthur Davidson was tried for grand larceny in December 1754, Robert Forbes testified that ‘he is a Scotchman; I am his countrymen; I never heard any thing bad to his character’, while Charles Tiff stated that ‘I have known him from a child [...] I know him to be a sober honest young man’.<sup>113</sup> Davidson was acquitted, suggesting that while it might have been more difficult for Scots, being Scottish in itself was not unduly burdensome for some defendants.

### Shaping the Image of the Scot

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<sup>110</sup> *Ibid.*, 69.

<sup>111</sup> *OBP*, trial of David Dickson, Jul.1730 (t17300704-46).

<sup>112</sup> *Ibid.*, trial of John Hamilton, Dec. 1712 (t17121210-24).

<sup>113</sup> *Ibid.*, trial of Arthur Davidson, Dec. 1754 (t17541204-24).

English prejudice about the potential undesirability of poor Scottish migrants was not groundless. Scottish chapmen and vagrants, some of them dabbling in crime, existed in early-modern England, providing real-world justification for English fears. Yet their numbers were small, and they represented only a fraction of the largely skilled and successful Scottish community in England. Nonetheless, their impact on the broader reputation of Anglo-Scots was disproportionate and can be traced back to the 1600s, providing a vocabulary that was deployed in times of cross-border tension. In John Tatham's biting Scotophobic play *The Scots Figgaries* (1652), the primary characters are two Scottish beggars, Jocky and Billy, and the plot revolves around this pair travelling southwards to cheat unsuspecting Londoners. In the opening speech, delivered by Jocky in a pastiche of Scottish dialect, the predatory beggar stereotype is given free reign:

I ha creept thus firr intolth' Kingdom, like an Erivigg intoll a mons lug, and sall as herdly be gat oout. Ise sa seff here as a Sperrow under a Penthoowse ... I a Scot Theff may pass for a trow Mon here; Aw the empty Weomb and thin hide I full oft bore in Scotland, an the geod fare I get here! ... Weele, Scotlond, weelee, tow gaffst me a mouth, but Anglond mon find me met; 'tis a geod soile geod feith, an gif aw my Contremon wod plant here, th'od thrive better thon in thair non.<sup>114</sup>

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<sup>114</sup> John Tatham, *The Scots Figgaries, or, A Knot of Knaves* (London, 1652), 1.

Looking back to the union of the crowns in 1603, Daniel Defoe, in his famous satirical poem of 1701, *The True-Born Englishman*, offered a witty expression of this enduring English stereotype:

The Royal Branch from Pict-land did succeed,  
With Troops of Scots and Scabs from North-by-Tweed.  
The Seven first Years of his Pacifick Reign,  
Made him and half his Nation Englishmen.  
Scots from the Northern Frozen banks of Tay,  
With Packs and Plods came Whigging all away:  
Thick as the Locusts which in Egypt swarm'd  
With Pride and hungry Hopes completely arm'd:  
With Native Truth, Diseases, and No Money,  
Plunder'd our Canaan of the Milk and Honey.<sup>115</sup>

The backdrop to this creative outburst was the fallout from the abortive Darian fiasco that raised Anglo-Scottish ill-feeling. Yet arguably the most extensive deployment of the Scots-as-parasite trope dated from 1679 in the context of the Popish Plot and Covenanting unrest when the traveller, Thomas Kirke, published a description of Scotland. In his withering account, the Scots are likened to 'ravenous Wolves', 'the Plagues of Egypt', and the mythical excrement-eating Gulon, while the country as a

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<sup>115</sup> Daniel Defoe, *The True-Born Englishman: A Satyr* (London, 1701), 16-7.

whole becomes a louse ‘whose Proboscis joyns too close to England, [and] has sucked away the Nutriment’.<sup>116</sup>

By the eighteenth century, and with the number of Scots in England growing and providing physical exemplars that magnified the dominant stereotypes, the language of ridicule was consolidated. The 1731 book *Gorgoneicon*, written under the pseudonym ‘Andrew Scriblerus’, cast itself as a response to the influential anti-clerical and anti-corruption publications of Thomas Gordon, in particular his *The Independent Whig*, published in 1719-20. Its tactic was to attack Gordon as an illegitimate commentator on the grounds of his Scottishness, leading to a number of virulently Scotophobic passages that spoke to the centrality of the ‘poor Scot’ stereotype. Familiar tropes were recycled, so that aggressive ‘Scotch Hawkers and Pedlars’ were claimed to be ‘continually Plying up and down the Kingdom ... to the unspeakable Damage of our own Neighbours and Countrymen’. Pedlars, the book claimed, were a self-reinforcing ‘plague’ that, whenever they enjoyed any (invariably unfairly-won) success, promptly drew in yet more Scots. This tendency was assisted by Scottish clannishness, so that any Scots gentleman was likely to be flanked by an entourage of penurious place-seekers. At the same time, Scottish vagrants prowled the land ready to divert much-needed charity away from more deserving, native paupers. Scriblerus indulged in the well-worn tactic of dehumanising Scots, lamenting that the old mansion house of the Duke of Wharton at Wooburn in Buckinghamshire had become ‘a Kennel only for Scotch stinking Foxes and Goats, and ravenous hungry wolves and Bears’.<sup>117</sup>

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<sup>116</sup> [Thomas Kirke], *A Modern Account of Scotland; Being an exact Description of the Country, and a True Character of the People and their Manners* (London, 1714), 2, 4, 5 and at 24. Many thanks to Dr Rivka Swenson for this reference.

<sup>117</sup> Andrew Scriblerus, *Gorgoneicon: Being a Supplement to Whistoneutes* (London, 1731), 16, 17, 56, 115 and at 118-9.



But the crucial point about Scriblerus's analysis was twofold. Firstly, the Scottish population in England was mostly composed of rogues, notwithstanding Scotland's ability to produce 'many good Scholars and Civilians':

In short, Gentleman of North-Britain, we love and respect all honest, sincere, and worthy Men amongst you wherever we can find them, and wish you well; but desire you to chain or hang up your worrying, your Sheep-killing Curs, such as your Tom Gordons; and your Sharpers, Biters, and Rippers, and Tearers, and Manglers of our pretty English Damsels Plackets.<sup>118</sup>

Secondly, this unpalatable migration was linked to the poverty of Scotland and the Scots:

All, or most, of the Lands in Scotland being beggarly in a greater or lesser degree, and consequently must require the more Labour and Industry to cultivate them; it is manifest that so many Hands and Backs which are idly sauntering and lithering about in England, might be much more advantageously employ'd in burning, plowing, and sowing their own Lands; and in digging, planting, and raising of Hedges, Woods, &c.<sup>119</sup>

The prejudice behind *Gorgoneicon* was clear. Scots 'were always Poor; they are poorly bred and fed; and so being inur'd to and harden'd in Poverty, it is habitual'. Scriblerus

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<sup>118</sup> *Ibid.*, 117.

<sup>119</sup> *Ibid.*, 118

found vindication of this prejudice in the existence of Scottish chapmen, vagrants and criminals south of the border, allowing him to discuss these groups as if they represented the totality of the Scottish diaspora. It permitted him to present a sweeping solution, namely of deporting Scottish migrants to free England from their malign influence. *Gorgoneicon* serves as an exemplar of the way in which real-world experience of poor and undesirable migrants fused with pre-existing prejudices about Scottish poverty to produce a lopsided narrative.

Others mined this same rich vein of satirical contempt. A joke, re-printed in several compendia but current by 1744 at the latest, told of a Scotch chapman who, sharing a temporary bed in low-grade lodgings with two strangers, answered the call of nature and ‘ply’d his water-engine on him that was in the front’. As the aggrieved individual awoke, the chapman hushed him with the words ‘you are well off, for I am doing t’other thing upon t’other’.<sup>120</sup> Its comedic limitations aside, this joke was possible because the image it exploited – of the poor, vulgar, dirty and befouling Scottish itinerant – was so ingrained in English perception. It was an image that, naturally, could rebound on poor migrants, causing them to suffer unwelcome and sometimes unwarranted suspicion. When five Scottish women were imprisoned at Alnwick in 1711 and held for more than a year, together with their combined eleven children, they complained bitterly that ‘they have Commit no crime or crimes; but onely that they are North Brittaners.’<sup>121</sup> Yet the power of the ‘poor Scot’ trope was such that it could be employed to denigrate immigrants who were manifestly not paupers. A 1747 petition against allowing Scottish physicians to practise in England argued that ‘for the most

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<sup>120</sup> Anonymous, *Joe Miller’s Jests* (London, 1744), 85.

<sup>121</sup> NA, QSB/37.

part these People are Men of very narrow Fortune' who would as a result not have been able to afford a proper (Oxbridge) education.<sup>122</sup> Here, received images of the beggarly Scottish migrant sharpened hostile rhetoric against a privileged immigrant group. Something similar happened when George III appointed John Stuart, 3<sup>rd</sup> earl of Bute as his prime minister in 1762. The vicious medial campaign against this unpopular Scottish aristocrat deployed all the criticisms conventionally thrown at the Scots. Naturally this included the charge that Scottish 'poverty' made Bute, like his fellow countrymen, dangerously prone to exploiting English wealth 'to [his] advantage'.<sup>123</sup> A minority they may have been, and a small one at that, but poverty-stricken Scots provided the basic template for English conceptualisation of Scottish incomers in their midst. The caustic zenith of this cycle was arguably reached in Charles Churchill's stridently Scotophobic poem of 1763, *The Prophecy of Famine: A Scots Pastoral*, which again allied the supposed ubiquity of the poor Scottish migrant to abiding fears about their lust for English wealth and their dishonest means of snatching it:

The Scots are poor, cries surly English pride;  
True is the charge, nor by themselves deny'd.  
Are they not then in strictest reason clear,  
Who wisely come to mend their fortunes here?  
If by low supple arts successful grown,

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<sup>122</sup> *An Address to the College of Physicians, And to the Universities of Oxford and Cambridge; Occasion'd by the late Swarms of Scotch and Leyden Physicians* (London, 1747), 15.

<sup>123</sup> K.W. Schweizer, 'English Xenophobia in the 18<sup>th</sup> Century: The Case of Lord Bute', *Scottish Tradition* 22 (1997) 6-26; P. Rogers, 'Johnson, Boswell, and Anti-Scottish Sentiment', in P. Rogers (ed), *Johnson and Boswell: the Transit of Caledonia* (Oxford, 1995), 192-215; A. Rounce, "Stuarts without End": Wilkes, Churchill and Anti-Scottishness', *Eighteenth-Century Life* 29:3 (2005) 20-43; *North Briton*, 26 Jun. 1762.

They sapp'd our vigour, to increase their own.<sup>124</sup>

Such was the power of this seam of vilification that towards the end of the eighteenth century Richard Newton's satirical cartoon, *The Progress of a Scotchman*, a veiled critique of William Pitt the Younger's Scottish Home and War Secretary, Henry Dundas, used fifteen panels to depict the evolution of a beggarly Scottish migrant into a peer – an arresting visual representation of both the English fear of the poor Scot, and the belief that these people were representative of the entire émigré community.<sup>125</sup>

### Conclusion

The significant increase in the population of early-modern England, particularly up to the mid-seventeenth century, was driven by changes in the economy and by birth rates, marriage patterns and morbidity, not primarily by immigration. Scottish migrants scattered around the country and with concentrations in a few localities, even if they numbered in the tens of thousands, can have had only a limited impact.. Nevertheless, suspicion of outsiders and foreigners, which was so pronounced in the sixteenth century, remained characteristic of the English, as it was of many contemporary societies. Foreigners could expect to be treated differently from the native population even if, in the case of the Scots, that foreignness was moderated by language, religion, political allegiance and legal status. The majority of identifiable Scottish migrants were drawn from the social and political elite, or possessed skills that were in high demand, and for these people, migration to England was largely a positive experience. Some

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<sup>124</sup> Charles Churchill, *The Prophecy of Famine: A Scots Pastoral* (London, 1763), 10

<sup>125</sup> G. Pentland, "We Speak for the Ready": Images of Scots in Political Prints, 1707-1832, *Scottish Historical Review* 90:1 (2011) 64-95, at 89.

poorer Scots shared in this comparative success – even some chapmen could make a decent life in England – while others avoided encountering the legal constraints of the poor law and settlement legislation. Nevertheless, laying aside the silence of those stories, there was a subset of migrants who survived as petty peddlers, vagrants and criminals, for whom England was far from welcoming, and whose migration stories formed a narrative of desperation, oppression and punishment.

Reactions by host states and communities to immigrants vary over time and in relation to different migrant groups, and there are a number of observations that can be made about the significance of these undesirable Scottish migrants in early-modern England. Firstly, the evidence indicates that poor Scots did not surge to England in great numbers even in times of greatest social distress, such as during the severe famines of 1623 and the 1690s. English magistrates were too well-organized not to repel any such movement, and Scotland largely managed its own poor within the confines of a harsh legal code, church charity and landlord paternalism. For those poor Scots who did slip over the border into England, it is unclear whether they intended to migrate permanently, to pass a period of time there until circumstances were better, or to engage in a form of circular migration as was most likely in the case of chapmen. Indeed, a decline in circumstances accounts for a sizeable proportion of the cases where enough evidence survives to reconstruct a narrative. Such a finding is broadly consistent with contemporary studies indicating that poverty alone does not always drive large numbers of people to migrate to another country, especially when the obstacles are considerable, and the very poorest in society are commonly least able to migrate.<sup>126</sup> Secondly, while

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<sup>126</sup> H. Telli, 'Less Poverty, More Emigration: Understanding Migrant Flows from Developing Countries', *Migration and Development* 3:1 (2014) 54-72. Studies of this nature can be subject to sweeping generalisations and must be used with care in historical contexts.

undesirable Scottish migrants were handled firmly by the English authorities, they were not treated with undue severity but, on the whole, were subject to the same laws as other beggars and vagrants. There were cases where individual magistrates and officials displayed elements of prejudice against Scots, but there is little evidence of systemic mistreatment even if unconscious bias operated below the surface. Thirdly, the popular image of grasping, impoverished Scottish beggars that was drawn upon when there was a political need to do so was not a figment of English imagination, but had its basis in the real life experiences of those unfortunates who found themselves in another country bereft of family or friends. Finally, in terms of the broader issue of migrant research, this historical evidence is supportive of a model in which immigrant experiences can be segmented in order to better understand the migrant process. In this case, such an approach indicates that even where an ethnic group is predominantly successful within the host society, as Scots were in early-modern England, particular subsets of that group might be regarded negatively and have a disproportionate impact on the overall reputation of that wider migrant community.